

**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD**

**MHA, LLC d/b/a MEADOWLANDS
HOSPITAL MEDICAL CENTER**

and

**HEALTH PROFESSIONALS
AND ALLIED EMPLOYEES,
AFT/AFL-CIO**

**Cases 22-CA-086823
22-CA-089716
22-CA-090437
22-CA-091025
22-CA-091521
22-CA-092061
22-CA-096650
22-CA-097214
22-CA-099492
22-CA-100324
22-CA-106694**

ORDER¹

The Union's Request for Special Permission to Appeal from Administrative Law Judge Steven Davis's denial of its motion to strike the Respondent's affirmative defense 111 is denied. The Union has failed to establish that the judge abused his discretion in denying the motion.

The Union's Request for Special Permission to Appeal the judge's denial of its petition to revoke paragraph 33 of the Respondent's subpoena duces tecum B-710509 addressed to the Union is also denied. It is undisputed that on March 13, 2014, on the record at the hearing, the judge denied the Union's petition to revoke only in part, characterized the subpoena as overly broad, and instructed the parties to address the breadth of the subpoena. First, with respect to the Union's argument that the judge erred in not granting its petition to revoke paragraph 33 in its entirety, we find that the

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Union has failed to establish that the judge abused his discretion in instead directing the parties to narrow the scope of the subpoena request. Second, we note that there is no evidence in the record before the Board that the judge has ruled on the modifications to the subpoena made by the Respondent by letters dated March 18 and March 19, 2014. Thus, at this juncture, the propriety of subpoena paragraph 33, as modified by the Respondent, is not properly before the Board.²

Dated, Washington, D.C., March 24, 2015.

MARK GASTON PEARCE,	CHAIRMAN
PHILIP A. MISCIMARRA,	MEMBER
LAUREN MCFERRAN,	MEMBER

² In light of the grounds for our denial of the Union's appeal as it pertains to paragraph 33 of the subpoena, we also deny the request by New Jersey Citizen Action to file an amicus brief with respect to paragraph 33, without prejudice to renewing the request to the judge.